

Human Rights and Technology



Australian
Human Rights
Commission

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Background

New and emerging technologies can create new opportunities for human rights promotion in diverse contexts and settings. However, such technologies can adversely affect various human rights, including the right to non-discrimination and equality. Community trust in new and emerging technologies has been decreasing.

The Commission's Human Rights and Technology Project (the Project) considers how Australia should respond to the human rights challenges and opportunities posed by the rise of new and emerging technologies. Informed by extensive public consultation, the Project's [Discussion Paper](#) was published in December 2019.

A recurring theme during the public consultation was the need for a national strategy to set the national aim of promoting responsible innovation and human rights protection in Australia.

A human rights approach to the development and use of new technologies is increasingly common internationally. Given the pace of technological change, it will be a significant challenge to ensure our regulatory system provides effective accountability where technology is used in ways that infringe human rights.

Key Issue – National Strategy on New and Emerging Technologies

Governments, the private sector and civil society have recently developed many 'ethical frameworks' to give guidance on the development and use of new technologies. These frameworks include new and ethical policies, principles, and codes, which apply especially to the use of AI and automated decision making.

While ethical frameworks can be important, they cannot be a substitute for the law. A national strategy is needed to protect and promote human rights in the development and use of new and emerging technologies.



The national strategy should:

- set the national aim of promoting responsible innovation and protecting human rights
- prioritise and resource national leadership on AI
- promote effective regulation – this includes law, co-regulation and self-regulation
- resource education and training for government, industry and civil society

A multi-faceted regulatory approach accords with international human rights law, including the UN Guiding Principles, which urge states to introduce a mix of regulatory measures to foster respect for human rights. This approach will help protect human rights and mitigate risks, as it should include the application of existing laws, as well as law reform where gaps need to be filled.

Many countries similar to Australia have introduced a national strategy on AI or new technologies.¹ Australia has some of the building blocks for a national strategy, including an [AI Ethics Framework](#), [Cyber Security Strategy](#), and a [Digital Technology Taskforce](#). An overarching national strategy will allow Australia to innovate, develop and use new technologies in a way that is consistent with its liberal democratic values.



Recommendation

Government adopt a national strategy on new technologies, promoting the development and use of AI in compliance with human rights

¹ See for example, Germany's [AI Strategy](#) and Canada's [CIFAR Pan-Canadian AI Strategy](#).